

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/876,366	GARVEY, JOSEPH FRANKLIN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Mary J. Steelman	2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 04/27/2005.
2.  The allowed claim(s) is/are 8-23 (RENUMBERED 1-16).
3.  The drawings filed on 07 June 2001 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

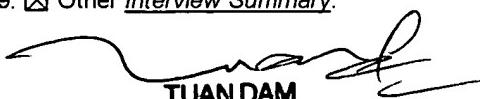
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached  
 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of  
 Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
 Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
 of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
 Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other Interview Summary.



TUAN DAM  
 SUPERVISORY PATENT EXAMINER

**DETAILED ACTION**

1. This Office Action is in response to Appeal Brief filed 27 April 2005. Claims 8-23 are pending.

**EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Antony P. Ng, Reg. No. 43,427 on 14 July 2005.

The application has been amended as follows:

Claim 8 (Currently Amended),

Line 1, delete [usable] and insert –recordable— ,

Claim 23 (Currently Amended),

Line 1, delete [usable], and insert –recordable-- .

***Allowable Subject Matter***

3. Claims 8-23 (renumbered 1-16) are allowed.
4. The following is a statement of reasons for the indication of allowable subject matter:

As Applicant has pointed out on page 6, 2<sup>nd</sup> paragraph, regarding independent claims 8 and 15, Mead and other cited prior arts taken alone or in combination fail to disclose, “transitioning from said IF state or said ELSE\_IF state to said SETUP\_IF state, in response to recognizing a SETUP\_IF clause” and “transitioning from said SETUP\_IF state to said ELSE\_IF state, in response to recognizing an ELSE\_IF clause.”

As Applicant has pointed out on page 6, last paragraph, regarding independent claims 22 and 23, Mead and other cited prior arts taken alone or in combination fail to disclose, “...inserting instructions from said identified SETUP\_IF clause prior to the test condition of said ELSE\_IF clause where said ELSE\_IF clause logically follows a prior IF clause or a prior ELSE\_IF clause.”

SETUP\_IF is defined in the Specification (pg. 3, line 32) as an improved ‘IF statement’ to be utilized in structured assembly language programming for coding multiple testing conditions, an improvement over nested IF statements (pg. 6, line 29). Fewer nested structured assembly language blocks means fewer resources are required by the assembler (pg. 8, line 24).

Thus all remaining claims, dependent claims 9-14 and 16-21 are allowed.

***Conclusion***

Art Unit: 2191

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Steelman, whose telephone number is (571) 272-3704. The examiner can normally be reached Monday through Thursday, from 7:00 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached at (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306 through 15 July 2005. After 15 July 2005, the fax number will be 571-273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mary Steelman



07/13/2005



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